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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE CANON PATENT
LITIGATION

14 Civ. 537 (DLC)
14 Civ. 541 (DLC)

STIPULATION, CONSENT JUDGMENT, AND PERMANENT INJUNCTION

This Stipulation, Consent Judgment, and Permanent Injunction (“Consent Judgment”) is entered into by and between Plaintiff Canon Inc. (“Canon”) and Defendant Provantage, LLC (“Provantage”), subject to approval by the Court.

WHEREAS, Canon brought this suit (14 Civ. 541) against Provantage for infringement of Canon’s U.S. Patent Nos. 8,135,304; 8,280,278; 8,369,744; 8,532,533; 8,565,640; and 8,630,564 (collectively, “the Asserted Patents”) based on Provantage’s unauthorized manufacture, use, importation, sale, and/or offer for sale of certain toner cartridges and the photosensitive drum units contained therein, including but not limited to toner cartridges having the following product designation: AC-H0255AC (“Accused Products”);

WHEREAS, Provantage wishes to conclude this litigation at Canon’s initial pleading stage without contesting infringement, validity, or enforceability of any claims of the Asserted Patents; and

WHEREAS, Canon and Provantage, through their respective counsel, hereby agree to entry of this Consent Judgment;

NOW, THEREFORE, IT IS HEREBY STIPULATED, ORDERED, AND ADJUDGED:

1. This is an action for patent infringement under the patent laws of the United States, Title 35 of the United States Code.
2. This Court has jurisdiction over Provantage and the subject matter of this action under 28 U.S.C §§ 1331 and 1338(a). Venue is proper in this Court pursuant to 28 U.S.C §§ 1391(b) and (c).
3. Canon is the owner of all right, title, and interest in and to the Asserted Patents.
4. Provantage does not contest, solely for purposes of this litigation, that all of the claims of the Asserted Patents are valid and enforceable.
5. Provantage has manufactured, used, imported, sold, and/or offered for sale in the United States toner cartridges accused of infringement in this action, including but not limited to the Accused Products.
6. Effective as of the date this Consent Judgment is entered by the Court, Provantage and its subsidiaries, affiliates, officers, directors, agents, servants, employees, successors and assigns, and all other persons and organizations in active concert or participation with any of the foregoing, are hereby permanently enjoined and restrained from engaging in any of the following activities:

(a) making, using, selling, or offering for sale in the United States, or importing into the United States, any of the Accused Products and any other toner cartridges or photosensitive drum units that are not more than colorably different from the Accused Products and fall within the scope of one or more claims of any of the Asserted Patents;

(b) otherwise directly infringing, contributorily infringing, or inducing infringement of any of the claims of the Asserted Patents with respect to the Accused Products or any other toner cartridges or photosensitive drum units that are not more than colorably different from the Accused Products and fall within the scope of one or more claims of any of the Asserted Patents; and

(c) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (a) and (b) above.

7. Provantage and Canon shall bear their own costs and attorney fees.

8. This Consent Judgment constitutes a final judgment concerning the subject matter of this action as between Canon and Provantage.

9. Provantage and Canon waive any right to appeal from this Consent Judgment.

10. Upon entry of this Consent Judgment, Case No. 14 Civ. 541 (DLC) is dismissed with prejudice, provided, however, that this Court shall retain jurisdiction to enforce the terms and provisions of this Consent Judgment.

So ordered -
[Signature]
May 14, 2014

STIPULATED AND CONSENTED TO:

By:



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SO ORDERED:

U.S.D.J.

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